IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 9150 of 2002

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

MANOJ KUMAR AND OTHERS
Versus
STATE OF GUJARAT AND ANOTHER

==========

Appearance :
MR TS NANAVATI for the applicants.
MR PD BHATE, ADDL. PUBLIC PROSECUTOR for Respondent No.1
MR BB NAIK for Respondent No.2.

==========

CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 23/01/2006

ORAL JUDGMENT

This matter was earlier fully heard and was reserved for CAV judgment. However, on 21.01.2006 learned advocates stated that a

compromise is likely to be arrived at, and the matter may be posted for today. Today, the Court is informed that the parties have amicably settled their dispute outside the Court.

The original complainant, S.K. Kulkarni, respondent No.2 herein, filed the impugned complaint against the accused No. 1 and 2 alleging that the complainant, who was an employee of the petitioners at the relevant time, was illegally confined by the accused at their office at Guregaon at Haryana on 19.2.2001, threatened and compelled him to resign and he was also compelled to accept a Demand Draft for Rs.1,44,493-00 as settlement of his dues. It was further alleged in the complaint that on reaching Ahmedabad, he filed a complaint the Metropolitan Magistrate, Court No. 15, Ahmedabad which was registered as Criminal Case No. 36 of 2001. Learned Magistrate ordered an inquiry. The police initially gave a report that the offence is committed outside the territorial jurisdiction of the Court. The learned Magistrate, however, did not accept the report and issued process and the case was thereafter numbered as Criminal Case No. 46 of 2002 which is pending before Metropolitan Magistrate, Court No. 15, Ahmedabad.

Learned advocates jointly make a statement that the matter is amicably settled outside the Court. The original complaint, S.K. Kulkarni, who is present before the Court and identified by learned Advocate Mr. B.B. Naik, also states that the matter is amicably settled and he does not want to proceed with the complaint any further.

Considering the aforesaid statements, it is not necessary to deal with the allegations in the complaint in detail and to find out whether

any offence is committed or not. Since the parties have settled their dispute, it would not be just and proper to continue the case further. In the result, Criminal Case No. 46 of 2002 pending before Metropolitan Magistrate, Court No. 15, Ahmedabad is quashed and set aside and proceedings thereon pending before the trial Court stands terminated.

Rule is made absolute accordingly.

[P. B. MAJMUDAR, J.]

mathew